

## REMARKS/ARGUMENT

### Description of amendments

Claims 34-41 are new and Claim 19 is amended. Applicants hereby elect Claims 1-24 without traverse for examination in this application, as required by the Restriction Requirement. New Claims 34-41 fall within Invention Group I. Examination of these claims is also requested. Accordingly, Claims 1-24 and 34-41 remaining pending for consideration and Claims 25-33 are withdrawn from consideration.

Applicants respectfully request reconsideration and reexamination in view of the foregoing claims and remarks presented below.

### Applicants' Information Disclosure Statements (IDS)

Patent applications cited in Applicants' IDS were indicated as "acknowledged", but not initialed by the Office in the returned copies of Applicants' PTO Form-1449 documents. Applicants' representative called the Examiner on September 5, 2007 to ask whether the references were considered. The Examiner explained that the references were considered, but were not initialed because Applicants did not request that the printed patent document include a listing of cited patent applications. The Examiner further explained that had the cited patent applications been initialed, the Office would have been printed the cited patent applications on the issued patent document even though Applicants have not requested that cited patent applications be included on this document.

In order to avoid any possible misunderstanding on the record, Applicants respectfully ask that the Examiner please indicate that each reference crossed off and indicated as "acknowledge", i.e., A121 and A795 – A805 of Applicants' PTO Form-1449, were in-fact fully considered, but were not initialed as required under MPEP § 609 in order to avoid printing those patent applications on the issued patent document.

### Reference XP-000980708 as Prior Art

XP-000980708 is relied on to reject Applicants' claims. However, this reference is not cited in the Examiner's Notice of References Cited (Form 892), nor is there any indication of where the cited document was found, its publication date and/or its alleged prior art status.

Applicants assume the Official Action has concluded that XP-000980708 has a publication date of sometime in the year 2000, based on the "June 2000" date appearing on page 2 of this reference. It would be appreciated if any additional information can be provided as to where this reference was discovered and what if any additional evidence there is to show that this document is in fact prior art as of its publication date.

Rejections under 35 U.S.C. §§ 102(b), 103(a)

Claims 1-4, 10, 12, 13, 21, 22, 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by XP-000980708 ("XP"). Of these claims, Claims 1, 21 and 23 are independent claims. Claims 5-9, 11, and 14-20 were rejected as unpatentable under 35 U.S.C. § 103(a) based on XP in combination with other art of record.

Independent Claim 1 is directed to a system for coating an implantable medical device with a coating composition, including the features of a reservoir holding a coating composition, an applicator including a coating surface and a porous region in fluid communication with the coating composition in the reservoir, wherein the porous region is capable of conveying the coating composition from the reservoir to the coating surface, and a support element to support an implantable medical device.

The Official Action rejected Claim 1 based on XP's disclosure of the alternative embodiment illustrated in Fig. 2 of XP. As best understood, the Official Action concluded that the cup (E) is inherently a reservoir that holds a coating composition and the carrier (C) is an applicator having a porous region capable of conveying the coating composition from the reservoir to the coating surface via wicking/capillary action. Applicants traverse this rejection for the following reasons.

XP discloses two embodiments of a device for loading a stent, each of which include a therapeutic agent soaked carrier (C) such as a cloth or a sponge, or a tacky paste (D). In the first embodiment, there is no disclosure or suggestion that carrier (C) is held in a cup or similar structure that may hold a fluid. Instead, in this embodiment there is only the carrier (C) or a tacky paste. In the second embodiment, a cup (E) is said to be filled with a therapeutic agent, which refers to the agent absorbed in the soaked cloth or sponge that lines the cup (E).

Claim 1 is not anticipated by XP because XP does not teach or suggest an applicator including a coating surface and a porous region in fluid communication with a coating composition in a reservoir, wherein the porous region is capable of conveying the coating composition from the reservoir to the coating surface. XP discloses an agent soaked sponge for coating a stent. Being that the carrier (C) is soaked, it would not be capable of conveying a composition from a reservoir to a coating surface. For at least this reason, Claim 1 is not anticipated by XP because an agent soaked sponge or cloth is not capable of conveying a coating composition from a reservoir to the coating surface.

For at least the above reason, Applicants respectfully ask that the rejection of Claim 1 be withdrawn and this claim allowed.

Independent Claim 23 is also directed to a system for coating an implantable medical device with a coating composition, including a reservoir holding a coating composition and an applicator, the applicator including a coating surface and a porous region in communication with the coating composition, wherein the porous region is capable of loading the coating surface with the coating composition from the reservoir by capillary action. For similar reasons to those given above for Claim 1, Applicants respectfully ask that the rejection of Claim 23 be withdrawn and this claim also allowed.

Independent Claim 21 is directed to an applicator for coating an implantable medical device with a coating composition, including a hollow tubular body having a bore configured to receive an implantable medical device, and a plurality of fibers disposed along the bore of the body, the fibers configured to receive a coating composition to apply the coating composition to the implantable medical device. As discussed above, XP teaches placing an agent soaked carrier within a cup (E). As such, when the agent soaked carrier is within the cup (E) it is not configured to receive a coating composition as recited in Claim 21 because the carrier is soaked.

Claims 2-20, 22 and 24 depend from, and therefore include all features of Claims 1, 21 and 23, respectively. Accordingly, as these dependent claims depend from allowable subject matter, they are also allowable for at least this reason. Applicants respectfully request that the rejections of Claims 2-20, 22 and 24 be withdrawn and these claims allowed. While it is not necessary at this time to discuss all of the features of the dependent claims that further patentably distinguish Applicants' invention over the art because these claims are already allowable,

Applicants would like to mention a few of these features so that the Examiner may gain a better appreciation of the scope of Applicants' invention.

Dependent Claim 16 recites an applicator that is made from a rigid material such that the coating surface does not comply when the device contacts the coating surface. In contrast, XP discloses a sponge or cloth, which can hardly be described as a rigid material such that the coating surface does not comply when the device contacts the coating surface.

Dependent Claim 3 describes an applicator that comprises a half-tubular body configured to receive the device. No such applicator is taught or suggested by XP.

Dependent Claims 14 and 17 refer to a system that includes an additional component: a pressure apparatus or pressurizing device, respectively. In the Official Action, the basis for rejecting these claims was based on, as best understood, an inherent ability to press down on the agent soaked carrier, i.e., by pressing the stent against the sponge or cloth. Applicants respectfully submit that Claims 14 and 17 are clearly referring to a structure separate from the medical device and/or contact surface. An example of the various embodiments described in Claims 14 and 17 may be found at page 17, lines 1-23 of Applicants' description.

Claims 5, 6, 8, 9 and 18-20 recite additional features of the applicator of Claim 1, such as pore size, porosity, etc. For similar reasons as given above, Claims 5, 6, 8, 9 and 18-20 would not have been obvious over XP taken alone or in combination with other art of record at least because XP discloses an agent soaked cloth or sponge. Therefore, one of ordinary skill in the art would have no motivation to select a particular type of applicator based on the pore size, porosity, etc. because XP teaches that a soaked cloth or sponge is used.

#### New Claims 34-41

New independent Claim 39 is directed to a system for coating an implantable medical device with a coating composition, including a reservoir of coating composition, an applicator including a coating surface and a porous region in fluid communication with the reservoir, wherein the porous region is capable of conveying coating composition from the reservoir to the coating surface, and a support element to support an implantable medical device in close proximity to or in contact with the coating surface of the applicator. None of the art of record teach or suggest the features of Claim 39. Allowance of Claim 39 is requested.

New claims 34-38, 40 and 41 depend from Claims 1 and 39, respectively, and are allowable at least because they depend from an allowable subject matter. Allowance of Claims 34-38, 40 and 41 is requested. Support for the new claims may be found at pages 9, 10-12, 16 and 22 of Applicants' disclosure.


Conclusion

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

Date: September 21, 2007

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